

REMARKS

Claim 27 has been objected to because, according to the Examiner, the phrase “‘Ga compound comprising Ni or Co’ is misdiscriptive.” Specifically, the Examiner states that the Co should be deleted because the second electrode comprises only Ni.

Claim 27 has been amended to clarify that the second layer includes Ni or Co “selected so as to form said Ga compound contained in said first electrode layer.” As described on page 3, lines 27-30, of the specification “[a]fter the heat treatment for attaining the ohmic characteristic, the first electrode layer includes a nitride of a metal included in the first metal group and also includes a compound of Ga and a metal included in the second metal group.” (emphasis added). The second metal group listed on page 3, line 9, includes Co as claimed. Accordingly, this objection should be withdrawn.

Claims 8-10 and 12, stand rejected under 35 USC 102(b) as being anticipated by Shibata. This rejection is respectfully traversed. Claim 8 has been amended to specify that the electrode structure has “an ohmic contact area” and that the third electrode layer comprising Au covers “an entire area of said ohmic contact area.” This amendment is supported by Figs. 1 and 2, which show that the Au 104 covers the entire area of the ohmic contact area.

Fig. 1 of Shibata shows that the Ti layer (71) and the Ni layer (72) are only partially covered by the Au layer (74). As described on page 8, line 32 to page 9, line 7, the inventor has found that an exposed Ni layer can react with N₂ in the atmosphere preventing good ohmic characteristics. Since Shibata does not describe or suggest using an Au layer that covers the entire area of the ohmic contact as claimed, the rejection of claim 8 should be withdrawn. The rejection of claims 9, 10 and 12, which depend from claim 8, should be withdrawn for at least the same reason.

Claim 1 has been amended to replace “including” with “comprising” to maintain consistent language in the claims.

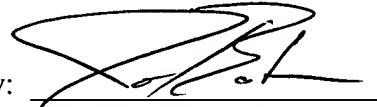
For the foregoing reasons, a notice of allowance is solicited.

In the event that the transmittal letter is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. **245402001600.**

Respectfully submitted,

Dated: April 9, 2004

By:



Jonathan Bockman
Registration No. 45,640
Morrison & Foerster LLP
1650 Tysons Boulevard
Suite 300
McLean, Virginia 22102
Telephone: 703-760-7769
Facsimile: (703) 760-7777